REMARKS

Claims 1-48 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(e) Rejection:

Claims 1-48 are rejected under 35 U.S.C. § 102(e) as being anticipated by Chu-Carroll, et al. (U.S. Publication 2006/0200488) (hereinafter "Chu-Carroll"). Applicants respectfully traverse this rejection for at least the following reasons.

A. In regard to claim 14, Chu-Carroll does not disclose an event message gate configured to perform both the receiving and sending limitations of claim 14.

Claim 14 recites "an event message gate unit configured to … receive a message in a markup language sent to the device in the distributed computing environment from the service in the distributed computing environment, wherein the message includes a markup language representation of one of the one or more events generated by the service to which the event message gate unit is subscribed; and send the markup language representation of the event to at least one of the one or more client processes registered with the event message gate unit to receive the event." Applicants respectfully submit that Chu-Carroll does not disclose, either explicitly or under the principles of inherency the recited event message gate that both receives a message in a markup language and sends a markup language representation to client processes registered with the message gate unit to receive the event.

The Office Action cites paragraphs [0043] and [0052] of Chu-Carroll with respect to both the send and receive limitations. See Office Action, p.3 and p.7. The cited text, however, fails to teach that the same message gate both receives from a service a message containing a subscribed event representation and sends the markup language event

representation to one or more registered client processes. Instead, the cited text of Chu-Carroll teaches that a client requests data and the data is sent to the client by a server, stating:

> [0043] The invention provides access both to legacy data, and to legacy code. Since significant value often exists in legacy code, this system can have great advantages over approaches that only preserve access to legacy data.
>
> …
>
> [0052] Pseudo-tabular queries are provided through the virtual table mechanism. This mechanism allows the client to obtain a replica of the server data using a simple tabular query. Server implementations select data which they wish to expose to the client, and associate those pieces of data with virtual table rows, through the use of a unique identifier. Each column in the virtual table is associated with a query handler extension, which computes the value of the column for an object, given its identifier. The resulting value is returned as, for example, an XML document. Clients request data from the server by requesting the value of a particular column of a particular virtual row. The resulting document is translated into a suitable data structure using client side dynamic parser extensions, detailed below.

Chu-Carroll, ¶[0043], [0052]. While a server sending to a client may be taught by the cited text, a single message gate receiving from the server and sending to the client is not taught. This intermediary function of an event message gate is also not inherent in the client-server system of Chu-Carroll.

Further, "an event message gate unit configured to … receive a message in a markup language sent to the device in the distributed computing environment from the service in the distributed computing environment, wherein the message includes a markup language representation of one of the one or more events generated by the service to which the event message gate unit is subscribed; and send the markup language representation of the event to at least one of the one or more client processes registered with the event message gate unit to receive the event" as recited, is not taught. The item sent and received in the cited text of Chu-Carroll is not the recited "markup language

representation of one of the one or more events," and subscription or registration with respect to an event is not taught or used in the cited text. As discussed below, a subscription system for events is specifically and separately discussed in other portions of Chu-Carroll, but the cited text discusses sending a value in response to a query, rather than the separately-described event in response to a subscription. For at least the reason that the above-quoted limitations are not disclosed in Chu-Carroll, Applicants respectfully submit that Chu-Carroll does not anticipate claim 14.

> B. In regard to claim 14, Chu-Carroll does not disclose "an event message gate unit configured to … automatically subscribe to the one or more events with the service in response to said indications registering interest in the one or more events received from the one or more client processes;… and … send the markup language representation of the event to at least one of the one or more client processes registered with the event message gate unit to receive the event."

Claim 14 recites an event message gate configured to subscribe a client to one or more events and send representations of the event. The present Office Action cites to paragraphs [0022] and [0031] for the subscribe limitation of Claim 14. The Office Action then points to paragraphs [0043] and [0052] of Chu-Carroll with respect to the send limitation. See Office Action, p.3 and p.7. In so doing, the Office Action fails to state a *prima facie* case of anticipation against claim 14, because the cited text portion from paragraphs [0043] and [0052] of Chu-Carroll discusses query-response features for delivering data that are separate from the event subscription and notification system of Chu-Carroll in paragraphs [0022] and [0031]. As a result, the response to the query that is sent in Chu-Carroll does not "send the markup language representation of the event." Instead, the response to the query that is sent in Chu-Carroll sends a value of a property that does not result from subscription to the event. *See* Chu-Carroll at paragraphs [0038]-[0039].

The inclusion by Chu-Carroll of the event notification and query response in independently activated subsystems eviscerates the argument that Chu-Carroll anticipates

claim 14. "Unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations **arranged or combined in the same way** as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIN, Inc. v. VeriSign et al.*, Case No. 07-1565 (Fed. Cir., Oct. 20, 2008). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, **arranged as in the claim**. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). In claim 14, the elements are arranged such that event representations are delivered in response to subscription. In Chu-Carroll, values are delivered in response to query, separate from subscription. The requirement that the prior art elements themselves be "arranged as in the claim" means that claims cannot be "treated . . . as mere catalogs of separate parts, in disregard of the part-to-part relationships set forth in the claims and that give the claims their meaning." *Id*. The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As shown above, the cited text of Chu-Carroll fails to disclose the sending of an event, as recited. To the extent that anything is shown as being sent in the cited paragraphs of Chu-Carroll, the sending is performed in a query response architecture that is separate from the subscription system of Chu-Carroll. Thus, Chu-Carroll cannot be fairly read to teach the recited "event message gate unit configured to … automatically subscribe to the one or more events with the service in response to said indications registering interest in the one or more events received from the one or more client processes;… and … send the markup language representation of the event to at least one of the one or more client processes registered with the event message gate unit to receive the event."

Thus, for at least the reasons above, the rejection of claim 14 is not supported by the cited art and withdrawal of the rejection is respectfully requested. Similar arguments apply in regard to independent claims 1, 27, and 36, which are rejected under reasoning similar to that discussed against claim 14. Likewise, each of dependent claims 2-13, 15-26, 38-35 and 37-48 depends from and further patentably distinguishes a respective one

of allowable base claims 1, 14, 27 and 36. For at least these reasons, Applicants respectfully request the withdrawal of the rejection of claims 1-48 and a notice of allowance with respect to each of claims 1-48.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-65700/RCK.

Respectfully submitted,

/Robert C. Kowert/
Robert C. Kowert, Reg. #39,255
Attorney for Applicant(s)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: September 28, 2010